

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

THE CITY SMOKE
CORPORATION, et al.,

Defendants.

CASE NO. C23-0375JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") second motion for an extension of time to perfect service on Defendant Yasir Shammar. (Mot. (Dkt. # 9); *see* 6/13/23 Order (Dkt. # 7) (finding that GS Holistic had not demonstrated good cause for its failure to serve Mr. Shammar and Defendant The City Smoke Corporation before the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service deadline).) The court GRANTS GS Holistic's motion.

1 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a
2 summons and a copy of the complaint and sets forth the specific requirements for doing
3 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
4 must be effectuated, states in relevant part:

5 If a defendant is not served within 90 days after the complaint is filed, the
6 court—on motion or on its own after notice to the plaintiff—must dismiss
7 the action without prejudice against that defendant or order that service be
8 made within a specified time. But if the plaintiff shows good cause for the
9 failure, the court must extend the time for service for an appropriate period.

10 *Id.*

11 GS Holistic filed this action on March 14, 2023. (Compl. (Dkt. # 1).) As a result,
12 Rule 4(m)’s 90-day deadline for effectuating service of process expired on June 12, 2023.
13 Fed. R. Civ. P. 4(m). On June 13, 2023, the court granted GS Holistic’s first motion for a
14 60-day extension of the deadline to serve Defendants, despite finding that GS Holistic
15 had not demonstrated good cause for its failure to effectuate service before the Rule 4(m)
16 deadline. (6/13/23 Order at 2-3.) The court ordered GS Holistic to file proof of service
17 on Defendants by no later than August 11, 2023, and warned GS Holistic that (1) failure
18 to do so could result in dismissal without prejudice of its claims against Defendants and
19 (2) further extensions of the deadline to serve Defendants would not be granted absent
20 exceptional circumstances. (*Id.* at 2-3.)

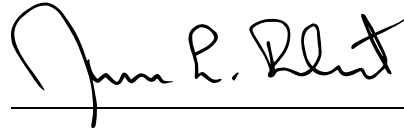
21 GS Holistic served The City Smoke Corporation on June 23, 2023 (Aff. (Dkt.
22 # 8)), but has not yet served Mr. Shammar (*see* Mot.). GS Holistic represents that it
attempted to serve Mr. Shammar “multiple times” but was unsuccessful. (Mot. ¶ 3.) It
states that its process server “received information from an employee that they did not

1 know when Mr. Shammar would be in the store” and was unsuccessful in getting Mr.
2 Shammar’s telephone number from the employee. (*Id.* ¶ 4.) GS Holistic does not,
3 however, provide a declaration of nonservice that sets forth when its process server
4 attempted service. (*See id.*) GS Holistic further represents that on August 4, 2023—one
5 week before the extended deadline to perfect service—it requested priority service and
6 “nonstop attempts” from its process server. (*Id.* ¶¶ 5-6; *see id.*, Ex. A (email thread
7 between a legal administrator at The Ticktin Law Group in Deerfield Beach, Florida, and
8 Burke Process Service).) Nevertheless, GS Holistic has not yet effected service on Mr.
9 Shammar. (*See id.*, Ex. A.) GS Holistic now asks the court to extend the Rule 4(m)
10 deadline by an additional 30 days to allow it to perfect service on Mr. Shammar “either
11 personally or by publication.” (*Id.* ¶ 7.)

12 The court has reviewed the materials that GS Holistic filed in support of its second
13 motion for an extension of time to perfect service and concludes that GS Holistic has not
14 established exceptional circumstances, let alone good cause, that would justify a further
15 extension of time. (*See* 6/13/23 Order); Fed. R. Civ. P. 4(m). In particular, the court
16 notes that GS Holistic does not appear to have made any effort to identify addresses for
17 Mr. Shammar other than his business address. (*See generally* Mot.) Nevertheless, the
18 court will GRANT GS Holistic’s motion (Dkt. # 9) and extend the deadline for GS
19 Holistic to perfect service on Mr. Shammar for an additional **30** days. GS Holistic shall
20 file proof of service on Mr. Shammar by no later than **September 11, 2023**. This order
21 does not grant GS Holistic leave to serve Mr. Shammar by publication or by any other
22 means. Failure to timely file proof of service will result in the dismissal without

1 prejudice of GS Holistic's claims against Mr. Shammar. No further extensions of the
2 deadline to serve Mr. Shammar will be granted.

3 Dated this 16th day of August, 2023.

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6 JAMES L. ROBART
7 United States District Judge
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